

## MEMORANDUM

Agenda Item No. 11(A)(41)

---

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners


**DATE:** April 24, 2007

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution relating to  
Florida's Sunshine Law

---

The accompanying resolution was prepared and placed on the agenda at the request of Chairman Bruno A. Barreiro.

for:   
Murray A. Greenberg  
County Attorney

MAG/jls



# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg  
County Attorney

SUBJECT: Agenda Item No. 11(A)(41)

Please note any items checked.

\_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

\_\_\_\_\_ 6 weeks required between first reading and public hearing

\_\_\_\_\_ 4 weeks notification to municipal officials required prior to public  
hearing

\_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget

\_\_\_\_\_ Budget required

\_\_\_\_\_ Statement of fiscal impact required

\_\_\_\_\_ Bid waiver requiring County Manager's written recommendation

\_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's  
report for public hearing

\_\_\_\_\_ Housekeeping item (no policy decision required)

\_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A)(41)

Veto \_\_\_\_\_

04-24-07

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
AMEND FLORIDA'S SUNSHINE LAW TO ALLOW TWO  
MEMBERS OF A BOARD OF COUNTY COMMISSIONERS  
OR CITY COUNCIL THAT HAS MORE THAN TWELVE  
MEMBERS TO MEET AND DISCUSS CERTAIN ISSUES  
WITHOUT COMPLYING WITH NOTICE AND OTHER  
REQUIREMENTS OF THE SUNSHINE LAW

**WHEREAS**, Florida's Sunshine Law requires that the public be provided reasonable notice of any gathering of two or more members of the same board to discuss a matter which could foreseeably come before that board for action; and

**WHEREAS**, Florida's Sunshine Law has the effect of prohibiting two members of the same board from communicating with each other regarding an item in advance of board action on that item; and

**WHEREAS**, the typical board of county commissioners and city council in the State of Florida has five members, so if two members of such boards were permitted to meet to discuss an issue, such a meeting would only be one person short of having a quorum of such board; and

**WHEREAS**, if two members of a large board, such as the Miami-Dade Board of County Commissioners, were permitted to meet to discuss an issue, only two of the thirteen (13) members would still be a long way from a quorum; and

**WHEREAS**, while the Florida Constitution provides that meetings of the Florida Legislature be open and noticed, the Sunshine Law that applies to local governments does not apply to the Florida Legislature; and

**WHEREAS**, two members of the Florida Legislature are not prohibited from meeting and discussing issues that will come before the Legislature or legislative committees; and

**WHEREAS**, Miami-Dade County currently has a population larger than seventeen states; and,

**WHEREAS**, allowing two members of a local government board with more than twelve (12) members to meet and discuss issues without complying with Sunshine Law requirements would apply to both the Miami-Dade Board of County Commissioners and the Jacksonville City Council, which has nineteen (19) members,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges the Florida Legislature to enact legislation amending Florida's Sunshine Law to allow two members of a board of county commissioners or city council that has more than 12 members to meet and discuss certain issues without complying with notice and other requirements of the Sunshine Law, either through an amendment during the 2007 legislative session if an opportunity arises or through a bill or amendment during the 2008 legislation session.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and members of the Miami-Dade County State Legislative Delegation.

**Section 3.** Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this issue in the 2007 and 2008 State Legislative Packages.

The foregoing resolution was sponsored by Chairman Bruno A. Barreiro and offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman  
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz  
Carlos A. Gimenez  
Joe A. Martinez  
Dorrin D. Rolle  
Katy Sorenson  
Sen. Javier D. Souto

Audrey M. Edmonson  
Sally A. Heyman  
Dennis C. Moss  
Natacha Seijas  
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of April, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Jess M. McCarty